

Senate Study Bill 1041 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

A BILL FOR

- 1 An Act relating to the use of electronic communication devices
- 2 while driving and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.276, subsection 1, Code 2015, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 1. For purposes of this section:

5 a. "*Electronic communication device*" means an electronic
6 device capable of being used to compose, read, or send an
7 electronic message. "*Electronic communication device*" includes
8 but is not limited to telephones, personal digital assistants,
9 and portable or mobile computers.

10 b. "*Electronic message*" means a self-contained piece
11 of digital communication, whether verbal or written, that
12 is designed or intended to be transmitted between physical
13 devices. "*Electronic message*" includes but is not limited to
14 telephone calls, video calls, electronic mail, text messages,
15 instant messages, and commands or requests to access an
16 internet site.

17 Sec. 2. Section 321.276, subsections 2 and 3, Code 2015, are
18 amended to read as follows:

19 2. A person shall not use ~~a hand-held~~ an electronic
20 communication device ~~to write, send, or read a text message~~
21 while driving a motor vehicle unless the motor vehicle is at a
22 complete stop off the traveled portion of the roadway.

23 a. A person does not violate this section by using a global
24 positioning system or navigation system or ~~when, for the~~
25 ~~purpose of engaging in a call, the person selects or enters a~~
26 ~~telephone number or name in a hand-held mobile telephone or~~
27 ~~activates, deactivates, or initiates a function of a hand-held~~
28 ~~mobile telephone~~ by using an electronic communication device in
29 a hands-free or voice-activated mode.

30 b. The provisions of this subsection relating to ~~reading a~~
31 ~~text message~~ the use of an electronic communication device do
32 not apply to the following persons:

33 (1) A member of a public safety agency, as defined in
34 section 34.1, performing official duties.

35 (2) A health care professional in the course of an emergency

1 situation.

2 (3) A person sending or receiving safety-related
3 information including emergency, traffic, or weather alerts.

4 3. Nothing in this section shall be construed to authorize
5 a peace officer to confiscate a ~~portable~~ an electronic
6 communication device from the driver or occupant of a motor
7 vehicle.

8 Sec. 3. Section 321.276, subsection 5, Code 2015, is amended
9 by striking the subsection.

10 Sec. 4. Section 805.8A, subsection 14, paragraph 1, Code
11 2015, is amended to read as follows:

12 1. ~~Text-messaging~~ Use of electronic communication devices
13 while driving violations. For violations under section 321.276,
14 the scheduled fine is thirty dollars.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill relates to the use of electronic communication
19 devices while driving and makes penalties applicable.

20 Current law prohibits the use of an electronic device to
21 write, send, or read a text message while operating a motor
22 vehicle. The bill expands this prohibition to include any
23 electronic message, including telephone calls. The bill
24 provides an exception allowing the use of electronic devices in
25 a hands-free or voice-activated mode.

26 The bill does not change the existing exceptions for certain
27 persons under Code section 321.276, subsection 2, paragraph
28 "b", including a member of a public safety agency performing
29 official duties, a health care professional in the course of
30 an emergency situation, and a person receiving safety-related
31 information including emergency, traffic, or weather alerts.
32 The bill also does not change the existing exception for use of
33 global positioning or navigation systems.

34 The bill eliminates a provision prohibiting a peace officer
35 from stopping or detaining a person solely for a violation of

1 Code section 321.276.

2 The bill rewords the applicable scheduled fine provision
3 to comply with the bill. The scheduled fine for a violation
4 of Code section 321.276 remains \$30. Under current law, the
5 offense is not a moving violation, and therefore cannot be
6 considered for purposes of administrative suspension of a
7 driver's license or to establish habitual offender status.
8 However, if the violation causes a serious injury, a court
9 could impose an additional fine of \$500 or suspend the person's
10 driver's license for not more than 90 days, or both. If the
11 violation causes a death, a court could impose an additional
12 fine of \$1,000 or suspend the person's driver's license for not
13 more than 180 days, or both.